



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,239	01/04/2002	Drue A. Reeves	COMP:0226 P00-3302	7875

7590 12/30/2005

Michael G. Fletcher
Fletcher, Yoder & Van Someren
P.O. Box 692289
Houston, TX 77269-2289

EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
----------	--------------

2132

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,239

Applicant(s)

REEVES ET AL.

Examiner

Samson B. Lemma

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in reply to an amendment filed on September 30, 2005.
Independent claims 1, 14 and 17 have been amended, and claims 1-22 are pending.

Response to Arguments

2. Applicant's arguments filed on September 30, 2005 have been fully considered but they are not persuasive.

The first argument by the applicant is with regard to a 102 (e) rejection made to the independent claims 1 and 17. Applicant argued that amended independent claims include limitations that are not shown or suggested by the references on the record, namely **Belanger**.

Applicant wrote the following in support of his argument, "In contrast to the recitations of the present claims, the Belanger reference merely discloses a virtual hard drive location in memory. Belanger, page 2, paragraph 0024. That is, Belanger merely teaches a partitioned location in the memory of a server, referred to as a virtual hard drive which mimics the storage function (not content, instructions, etc.) of a conventional disk, hard drive, or other storage device normally residing on a personal computer on a client side. See *id.* at page 6, paragraph 0061.

Indeed, in reference to the virtual hard drive, the Belanger reference describes a server that includes a "dedicated location in memory for storing files and other information." *Id.* at page 2, paragraph 0024. Simply put, the virtual hard drive is a memory location on a server, yet the virtual hard drive does not simulate an actual removable computer disk or instructions on the disk. *Id.* Applicants respectfully assert that the Examiner has inappropriately equated the virtual hard drive of the Belanger reference with the presently recited virtual media

Art Unit: 2132

resources. One of ordinary skill in the art would not equate a partitioned portion of memory on a server with virtual media resources that include "a media image that simulates an actual removable computer disk and instructions disposed thereon" or "a computer simulation that represents instructional content and behavior of an actual removable computer disk" as recited in independent claims 1 and 17, respectively. Accordingly, the Belanger reference fails to anticipate claims 1 and 17 because it does not to teach all of the features recited therein."

Examiner disagrees with this argument.

The Examiner disagreement is based on the fact that the elements/features that are argued above are actually disclosed by the reference on the record namely Belanger.

Examiner would point out that Belanger on paragraph 0024 discloses the server include a dedicated location in memory for storing files and other information associated with each user of the operating system. These files may be used to **create a unique "desktop" environment for each user, and to store data which meets "content" and/or "instruction", associated with the user of the same type as a local hard drive or disk would store if the user were using a personal computer.** Thus, the dedicated **storage creates a virtual hard drive location in memory for the user, the memory being located on the server, rather than on the user's device.** Therefore applicant argument that the virtual hard drive recited in the reference which mimics the storage functions(**not content, instructions, etc**) of a conventional disk, hard drive or other storage device normally residing on a personal computer on a client **side is not correct since** the virtual storage medium as disclosed above actually **includes storing of a data/content/instructions etc of a conventional disk,**

Art Unit: 2132

hard drive or other storage device normally residing on a personal computer on a client side.

Furthermore Belanger on paragraph 0061 discloses the fact that the partitioned location is thus **a virtual hard drive, mimicking the functions of a conventional disk, hard drive, or other storage device that would normally reside on a personal computer on the client side, i.e., on the user device 20. The presence of the virtual hard drive in the memory 40 avoids the need for storage at the user device 20.**

As applicant is obviously aware of the meaning of the word “mimic” is nothing but “resemble closely or **simulate**”. Therefore **“mimicking the functions of a conventional disk, hard drive, or other storage device that would normally reside on a personal computer on the client side” as disclosed by the reference Belanger on paragraph 0061 and 0024 meet the limitation of “wherein the virtual media resources, include a computer **simulation** that represents instructional content and behavior of an actual removable computer disk.**

Therefore all the elements of the limitations of the independent claims 1 and 17 are explicitly/implicitly/inherently suggested and disclosed by the reference “Balenger”.

The next argument by the applicant is with regard to the dependent claims which are dependent on the independent claims 1 and 17.

Applicant argued that the dependent claims which are dependent on the independent claims 1 and 17 are allowable for the reason that Belanger fail to anticipate the limitations that is argued above.

Examiner disagrees with this argument.

Art Unit: 2132

In response to the above argument by the applicant, the examiner response discussed for the independent claims 1 and 17 above is also valid towards this argument.

The other argument is referring to the independent claim 14 and to dependent claims 15 and 16.

Applicant argued that the limitation added after amendment “wherein the virtual media resources include a simulation of an actual content-filled computer disk having instructions” is not disclosed neither by the reference on record namely Microsoft nor by the other reference Balenger. Examiner disagrees with this argument.

The examiner asserts that, the examiner response discussed for the independent claims 1 and 17 above is also valid towards this argument.

Therefore all the elements of the limitations is explicitly/implicitly/inherently suggested and disclosed by the reference “Balenger” or by the combination of the references on the records namely, “Microsoft” and “Balenger” and the rejection remains valid unless the claims are further amended and successfully overcome the rejection without introducing a new matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2132

4. **Claims 1, 4-13, 17-18, 20-22** are rejected under 35 U.S.C. 102(e) as being anticipated by **Belanger** (hereinafter referred to as **Belanger**) (U.S. Publication 2002/0059402 A1).

5. **As per claims 1& 17 Belanger discloses a method for selectively providing data between networked devices, comprising the acts of:**

- **Storing virtual media resources, a plurality of authorized users, and access rights to the virtual media resources for each of the plurality of authorized users in a remote directory server;** [Page 2, paragraph 0030; paragraph 0032; paragraph 0034, last 7 lines; paragraph 0037; paragraph 0059; paragraph 0061-0063]

- **Wherein the virtual media resources include a media image that simulates an actual removable computer disk and instructions disposed thereon.** [Paragraph 0024 and 0061] (Belanger on paragraph 0024 discloses the fact that the server include a dedicated location in memory for storing files and other information associated with each user of the operating system. These files may be used to create a unique "desktop" environment for each user, and to store data/content associated with the user of the same type as a local hard drive or disk would store if the user were using a personal computer. Thus, the dedicated storage creates a virtual hard drive location in memory for the user, the memory being located on the server, rather than on the user's device. And Belanger on paragraph 0061 further teaches the fact that the partitioned location is thus a virtual hard drive, mimicking the functions of a conventional disk, hard drive, or other storage device that would normally reside on a personal computer on the client side, i.e., on the user device 20. The presence

Art Unit: 2132

of the virtual hard drive in the memory 40 avoids the need for storage at the user device

20. The meaning of the word "mimic" is nothing but "resemble closely or simulate".

Therefore "mimicking the functions of a conventional disk, hard drive, or other storage device that would normally reside on a personal computer on the client side" as

disclosed on paragraph 0061 and 0024 of the reference Belanger meet the limitation of

Wherein the virtual media resources include a media image that simulates an actual removable computer disk and instructions disposed thereon.)

- **Receiving an access request for a desired resource of the virtual media resources at the remote directory server via a network;**[page 4, reference 0054; figure 4, reference 52-58] (a user message/request is received at the server) and

- **Responding to the access request based on the access rights of the authorized users by the remote directory server via the network.** [page 6, paragraph 0061-0062; figure 4, reference 60 and paragraph 0063, the last 10 lines.]

6. **As per claim 4- 5, 20 Belanger discloses** the method as applied to claims above. Furthermore Belanger discloses the method wherein the act of storing the virtual media resources comprises the act of obtaining a data image of a software resource in a data storage format of a standard data storage media. [page 2, paragraph 0024]

7. **As per claim 6, 21 Belanger discloses** the method as applied to claims above. Furthermore Belanger discloses the method wherein the desired resource comprises at least one virtual media image of operating system installation files. [page 2, paragraph 0023 & 0030]

8. **As per claim 7-9 & 22 Belanger discloses** the method as applied to claims above. Furthermore Belanger discloses the method wherein the desired resource

Art Unit: 2132

comprises at least one virtual media image of application program installation files.[page 1, paragraph 0005, paragraph 0022]

9. **As per claim 10-13 Belanger discloses** the method as applied to claims above.

Furthermore Belanger discloses the method wherein the act of responding to the access request comprises the act of protecting the virtual media resources against unauthorized access by a requesting user. [page 6, paragraph 0061-0062; figure 4, reference 60 and paragraph 0063, the last 10 lines.]

10. **As per claim 18 Belanger discloses** the method as applied to claims above.

Furthermore Belanger discloses the method wherein the database, the access protection module, and the request processing module are disposed on a directory server.[page 8, paragraph 0086]

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 2-3 & 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Belanger** (hereinafter referred to as **Belanger**) (U.S. Publication 2002/0059402 A1) in view of Microsoft, Active Directory Overview (hereinafter referred to as **Microsoft**) , Published on June 30,1999, Page 1-11; (reference U).

13. **As per claim 2-3 & 19, Belanger discloses** the method of storing virtual media resources on the remote server this eliminates the need for on-site installation

Art Unit: 2132

and configuration and the server may include dedicate storage for storing application files and other information associated with each users. This dedicated storage creates a virtual hard drive location in the memory for the user, the memory being located on the server, rather than on the user's device. [See Belanger, page 2, paragraph 0024] and Furthermore an access mechanism connected to the server computer for determining access rights to these data files stored in the memory of the server computer.[See page 2, paragraph 0032, last 2 lines – page 3, line 1]

Belanger does not explicitly discloses that the act of storing comprises the act of forming a hierarchical structure of the access rights for plurality of authorized users and the hierarchical structure comprises the act of creating an organizational tree wherein each node represents at least one of the resources. However, in the same field of endeavor, Microsoft discloses the act of storing comprises the act of forming a hierarchical structure of the access rights for plurality of authorized users and the hierarchical structure comprises the act of creating an organizational tree wherein each node represents at least one of the resources.[Page 3, title “Hierarchal Organization” -page 4; figure 1, 2, & 5, page 7, under the title “Strengthens Security”, and page 8]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of hierarchical structure access rights and creating an organizational tree as per teachings of Microsoft, in to the method of virtual resources as taught by **Belanger**, in order to strengthens security. [See **Microsoft**, page 7, title “ Strengthens Security]

14. **Claims 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft, Active Directory Overview (hereinafter referred to as **Microsoft**) , Published on June 30,1999, Page 1-11; (reference U), in view of **Belanger** (hereinafter referred to as **Belanger**) (U.S. Publication 2002/0059402 A1)

15. **As per claim 14-16 Microsoft discloses** a method for selectively providing data between networked devices, comprising the acts of: forming a hierarchical user access tree comprising at least one relationship branch having a plurality of nodes at a plurality of levels ranked with respect to one another;[Page 3, title Hierarchal Organization, Figure 1 &2] associating a plurality of virtual media resources to the plurality of nodes;[page 4, 1st paragraph; figure 1 & 2] storing access rights of authorized users at each of the plurality of nodes; [page 5, figure 2, & page 5, 1st paragraph] processing an access request for a desired resource of the plurality of virtual media resources by verifying that a requesting user is one of the plurality of authorized users and verifying that the desired resource is within the access rights of the verified requesting user. [Page 7, under the title “Strengthens Security”, and page 8; Page 4, last line and figure 5]

Microsoft does not explicitly disclose that the resources are the virtual media resources that can be provided by remote server/remote directory server and wherein the virtual media resources include a simulation of an actual content-filled computer disk having instructions.

However, in the same field of endeavor, **Belanger** discloses that receiving an access request for a desired resource of the virtual media resources at the remote directory server via a network;[page 4, reference 0054; figure 4, reference 52-58 & paragraph 0024]

Art Unit: 2132

Furthermore Belanger discloses the server include a dedicated location in memory for storing files and other information associated with each user of the operating system. **These files may be used to create a unique "desktop" environment for each user, and to store data/content associated with the user of the same type as a local hard drive or disk would store if the user were using a personal computer. Thus, the dedicated storage creates a virtual hard drive location in memory for the user, the memory being located on the server, rather than on the user's device.** [Paragraph 0024]

Belanger on paragraph 0061 also teaches the fact that the partitioned location is thus **a virtual hard drive, mimicking the functions of a conventional disk, hard drive, or other storage device that would normally reside on a personal computer on the client side, i.e., on the user device 20. The presence of the virtual hard drive in the memory 40 avoids the need for storage at the user device 20 and this meets the limitation of "wherein the virtual media resources include a simulation of an actual content-filled computer disk having instructions."**

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of virtual resources as per teachings of **Belanger**, in to the method of forming a hierarchical user access tree as taught by Microsoft in order to create a virtual hard drive location in the server rather than on the user's device and access the operating system/remote resources from any user device .[See Belanger paragraph 0023-0024]

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR


Art Unit: 2132

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.

12/21/2005



THOMAS R. PEESO
PRIMARY EXAMINER